

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CATHERINE RENEE WHITE
EAGLE,

Defendant.

CR 18-60-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Catherine Renee White Eagle (White Eagle) has been accused of violating the conditions of her probation. White Eagle has admitted all of the alleged violations. White Eagle's probation should be revoked. White Eagle should be placed in custody for 10 weeks, with 36 months of supervised release to follow. White Eagle should be subject to the release conditions imposed previously.

II. Status

White Eagle pleaded guilty to Theft on October 29, 2020. (Doc. 21). The Court sentenced White Eagle to 5 years of probation. (Doc. 29). White Eagle's term of probation began on January 30, 2019. (Doc. 47 at 1).

Petition

The United States Probation Office filed an Amended Petition on February 24, 2021, requesting that the Court revoke White Eagle's probation. (Doc. 47). The Amended Petition alleged that White Eagle violated the conditions of her probation: 1) by failing to comply with her substance abuse testing program on two separate occasions; 2) by gambling; 3) by consuming alcohol; 4) by using norbuprenorphine; 5) by failing to make restitution payments as directed by the United States Probation Office; 6) by failing to provide monthly financial documents to her probation officer; 7) by failing to report to her probation officer as directed on two separate occasions; and 8) by failing to report for substance abuse treatment.

Initial appearance

White Eagle appeared before the undersigned for her initial appearance on the Amended Petition on April 29, 2021. White Eagle was represented by counsel. White Eagle stated that she had read the petition and that she understood the allegations. White Eagle waived her right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on April 29, 2021. White Eagle admitted that she had violated the conditions of her probation: 1) by failing to comply with her substance abuse testing program on two separate occasions; 2) by gambling; 3) by consuming alcohol; 4) by using norbuprenorphine; 5) by failing to make restitution payments as directed by the United States Probation Office; 6) by failing to provide monthly financial documents to her probation officer; 7) by failing to report to her probation officer as directed on two separate occasions; and 8) by failing to report for substance abuse treatment. The violations are serious and warrant revocation of White Eagle's probation.

White Eagle's violations are Grade C violations. White Eagle's criminal history category is I. White Eagle's underlying offense is a Class B felony. White Eagle could be incarcerated for up to 60 months. White Eagle could be ordered to remain on supervised release for up to 39 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

White Eagle's probation release should be revoked. White Eagle should be incarcerated for 10 weeks, with 36 months of supervised release to follow. White

Eagle should be subject to the release conditions imposed previously. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed White Eagle that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed White Eagle of her right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to White Eagle that Judge Morris would consider a timely objection before making a final determination on whether to revoke her supervised release and what, if any, sanction to impose.

The Court FINDS:

Catherine Renee White Eagle has violated the conditions of her supervised release: by failing to comply with her substance abuse testing program on two separate occasions; by gambling; by consuming alcohol; by using norbuprenorphine; by failing to make restitution payments as directed by the United States Probation Office; by failing to provide monthly financial documents to her probation officer; by failing to report to her probation officer as directed on two separate occasions; and by failing to report for substance abuse treatment.

The Court RECOMMENDS:

The District Court should revoke White Eagle's probation and commit her to the custody of the United States Bureau of Prisons for 10 weeks, with 36 months of supervised release to follow. White Eagle should be subject to the release conditions imposed previously.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 30th day of April, 2021.



John Johnston
United States Magistrate Judge